

May 30, 2003

Mr. Paul Helliker
Director
Department of Pesticide Regulation
P.O. Box 4015
Sacramento, California 95812-4015

VIA E-MAIL


Re: Draft Environmental Justice Implementation Plan – SUPPORT WITH
AMENDMENTS

Dear Mr. Helliker:

We are writing on behalf of the undersigned environmental, community, labor, and health organizations in support of efforts to address environmental justice issues at the Department of Pesticide Regulation (DPR). We have reviewed the draft DPR Environmental Justice Implementation Plan and, while we generally support the goals and activities that DPR has identified, we urge DPR to incorporate several proposed amendments. We have enclosed for your consideration detailed comments and a mark-up of the draft plan with the specific wording changes we recommend.

We request that DPR amend and adopt the Environmental Justice Implementation Plan without delay. The adoption of such a plan is long overdue and we welcome its timely adoption and implementation. DPR must act quickly to reduce pesticide exposures among farm workers, their families, and other impacted populations. An environmental justice initiative at DPR that has the strong support of management and the needed commitment of funding and staff will go a long way toward addressing the adverse impacts of pesticide exposures upon people of color and the economically disadvantaged in California.

Sincerely,



Joseph K. Lyou, Ph.D. for:

Samantha McCarthy
Better Urban Green Strategies

Barbara A. Brenner
Executive Director
Breast Cancer Action

Jane Williams
Executive Director
California Communities Against Toxics

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Executive Director
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Mr. Paul Helliher

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Mr. Paul Helliker

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Enclosures: (1) Comments on DPR's Draft Environmental Justice Implementation Plan
(2) Mark-up of Draft Environmental Justice Implementation Plan

cc w/ encl.: Mr. Winston Hickox
Mr. Romel Pascual
ejjustice@cdpr.ca.gov

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June 13, 2003

VIA E-MAIL

Mr. Paul Helliker
Director
Department of Pesticide Regulation
P.O. Box 4015
Sacramento, California 95812-4015

Re: Additional Letter Signatories

Dear Mr. Helliker:

Please find enclosed a list of four organization representatives who intended to sign onto the recent comments we submitted to the Department of Pesticide Regulation but were unable to confirm their support prior to the comment deadline. Thank you again for considering our comments on the draft Environmental Justice Implementation Plan.

Sincerely,



Joseph K. Lyou, Ph.D.
Executive Director

Enclosures: List of Additional Signatories

cc w/ encl.: Mr. Winston Hickox
Mr. Romel Pascual
ejjustice@cdpr.ca.gov

Additional Signatories to Comments on Draft DPR Environmental Justice Implementation Plan

Mike Green
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Henry Clark
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COMMENTS ON THE DEPARTMENT OF PESTICIDE REGULATION'S DRAFT ENVIRONMENTAL JUSTICE IMPLEMENTATION PLAN

May 2003

Priorities and Criteria

We support DPR's proposal to adopt "specific actions" for addressing environmental justice issues. We encourage DPR to develop a work plan for implementing these specific actions. The work plan should expand upon the proposed specific actions by identifying implementation activities that are (1) achievable, (2) meaningful (i.e., reduce the use of and exposures to pesticides), (3) measurable, and (4) time-bound. These will serve as useful criteria for judging the importance and viability of each proposed action.

We have three priorities: (1) The reduction of pesticide use, (2) the prevention, reduction, and – where possible – the elimination of exposures to pesticides, and (3) the empowerment of those exposed to pesticides. These priorities can be framed in terms of the basic criteria we intend to use to measure the success of DPR's environmental justice program: (1) Has pesticide use been reduced? (2) Have exposures been prevented, reduced, or eliminated? (3) Do farm workers, their families, and other impacted populations believe that they can influence DPR and county agricultural commissioner (CAC) decisions? We ask that DPR continuously consider these criteria while acting upon the specific actions identified in its Environmental Justice Implementation Plan.

In addition, it is important to recognize the staff and funding commitment needed to assure the proper implementation of DPR's environmental justice program. We recommend that DPR designate an inter-divisional team of staff members responsible for its environmental justice program and that DPR provide this team with adequate funding. While we agree that environmental justice should be integrated into all programs, regulations and policies at DPR, we believe that a focused effort with a specific team of individuals will be needed to ensure timely progress. Many of us made a similar recommendation to the California Air Resources Board (ARB) in December 2001. ARB adopted our recommendation and, as a result, has made significant progress in implementing its environmental justice policies and action items.

Process Issues

In his March 18, 2003, cover letter releasing the draft Environmental Justice Implementation Plan, DPR Director Paul Helliker wrote, "In preparing this plan, we closely followed the successful approach taken by the Air Resources Board." That statement raises several issues and needs to be corrected. ARB followed a somewhat tortuous but ultimately successful process in developing its Environmental Justice Policies and Action Items. ARB staff first circulated a draft document for comment. Then, because of widespread concerns about the need for the foundation of the ARB environmental justice program to be built upon community-based initiatives, ARB staff decided to withdraw its initial draft policy document. Staff then proceeded upon a two-track approach, going out into communities and engaging in series of small group meetings to gain a better understanding of the needs and priorities of community members while

also hosting a series of stakeholder group meetings at various locations throughout California to provide opportunities for public comment and to focus on the specific language that their proposal should take. As this innovative decision-making process evolved, environmental justice advocates noticed important changes among ARB staff. By going out into communities, listening carefully, and witnessing air pollution problems in places like Barrio Logan, Wilmington, and Richmond, ARB staff started to “get it.” They gained an appreciation of community views and issues, and they changed their approach to developing their environmental justice program. At the same time, community members gained a better understanding of ARB and what the proposed policies could mean for their communities. The efforts of ARB staff created an important precedent for the policymaking process at Cal/EPA and resulted in the production of a thorough, well reasoned, balanced, and high quality proposal.

Thus, it is not accurate to say that DPR “closely followed the successful approach taken by the Air Resources Board.” It would have been preferable for DPR to have met with community members prior to developing its draft Environmental Justice Implementation Plan. This is where public participation begins – at the absolute earliest stage of the decision-making process. The goal is to avoid the “decide-announce-defend” decision-making paradigm and use instead an approach that incorporates community-based initiatives and involves close collaboration with community members and their representatives. In his March 2003 letter, Mr. Helliker wrote, “After the comment period and necessary revisions, we will hold dialogue sessions with community groups and interested parties.” Such dialogue sessions need to take place both prior to and after the issuance of the draft document.

Despite our misgivings about the failure to work closely with environmental justice advocates prior to issuing the draft document, we were pleasantly surprised to see that the Environmental Justice Implementation Plan includes many important proposals and commitments. We strongly support proposals for training staff, improving public participation, making information more readily accessible, reducing adverse health impacts, strengthening enforcement efforts, addressing farm worker needs, and supporting pollution prevention. We are, therefore, comfortable with moving forward using the framework identified in the draft document. We do have several proposed amendments, which we have included in the attached marked up version of the draft. We believe that many of our requested wording changes could have been avoided had we been consulted prior to the issuance of the draft document.

Fundamental Environmental Justice Issues

California law defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” [Calif. Gov. Code § 65040.12(c)] Most environmental justice advocates endorse a much broader definition, one that acknowledges that environmental justice is a social-political movement grounded in the beliefs of those who have fought and sacrificed in the pursuit of civil rights and a clean environment. In working to achieve environmental justice, DPR must recognize and accept that:

- (1) All people have the right to live, work, learn, and play in a safe and healthy environment.

- (2) All people have a right to speak for themselves in decision-making processes that may impact their health, safety, or quality of life.
- (3) All people have the right to know about potential and actual releases of environmental contaminants.
- (4) It is better to prevent pollution than to try to manage it.
- (5) Polluters must bear the burden of proof in demonstrating the safety and value of their practices.
- (6) There must not be profit in polluting and polluters must bear the full cost of the environmental and public health damage they cause.
- (7) The achievement of environmental health and justice in California will be hard-won and require long-term commitments of time, energy, and resources.

Environmental justice is founded upon principles incorporated in many of our most fundamental rights. Environmental justice means equal protection.¹ Environmental justice means seeking redress for grievances.² Environmental justice means people have the right to life, liberty, and the pursuit of happiness.³

The environmental justice movement came together over the widespread recognition that our nation's environmental laws, regulations, and policies are not applied uniformly. Many people point to 1982 as the start of the environmental justice movement, when civil rights leaders and community activists began protesting the dumping of PCB-contaminated waste in the predominantly African American and low-income community of Warren County, North Carolina. Then, in 1983, the U.S. General Accounting Office issued a report titled, "Siting of Hazardous Waste Landfills and Their Correlation With Racial and Economic Status of Surrounding Communities." The GAO found that three out of every four landfills in the Southeast United States are located in communities of color.

In 1987, the United Church of Christ Commission on Racial Justice issued a study on environmental injustice, "Toxic Wastes and Race in the United States." The commission found race to be the most significant factor in predicting the location of hazardous waste facilities in the United States. The commission also found that three out of every five African Americans and Hispanics in the United States live near unregulated toxic waste sites.

¹ "No state shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws." *14th Amendment to the United States Constitution*

² "Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for a redress of grievances." *1st Amendment to the United States Constitution*

³ "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." *United States Declaration of Independence*

In 1991, more than 650 activists gathered at the National People of Color Environmental Leadership Summit in Washington, D.C. Summit participants adopted the “Principles of Environmental Justice,” which articulated the goals and demands of the environmental justice movement for the first time.

In 1992, the *National Law Journal* published the results of its study, “Unequal Protection: The Racial Divide in Environmental Law.” Investigators found that the United States Environmental Protection Agency took 20% longer to place abandoned sites in communities of color on the national priority (“Superfund”) list and that polluters in those neighborhoods paid fines 54% lower than those who pollute in white communities. The authors wrote:

There is a racial divide in the way the U.S. government cleans up toxic waste sites and punishes polluters. White communities see faster action, better results and stiffer penalties than communities where blacks, Hispanics and other minorities live. This unequal protection often occurs whether the community is wealthy or poor.⁴

Many other researchers went on to confirm the general conclusions of the GAO, United Church of Christ, and *National Law Journal* studies, reinforcing what grassroots leaders had been saying all along – not only are people of color differentially impacted by pollution, they have been treated differently by their government. It is upon this foundation of civil rights and environmental protection failures that advocates now ask agencies such as DPR to take immediate and decisive action in support of environmental justice.

The Precaution Principle and Alternatives Assessment

We hope that DPR’s environmental justice initiatives will lead to a thoughtful discussion of the role of risk assessment and the Precautionary Principle in agency decision-making. “Risk management” is not a sustainable or acceptable paradigm for protecting people from the adverse impacts of pollution. One of the best known writers and thinkers on environmental justice issues, Dr. Robert Bullard, has clearly articulated this point:

The current environmental protection paradigm manages, regulates and distributes risks. It also institutionalizes unequal enforcement, trades human health for profit, places the burden of proof on the “victims” and not the polluting industry, legitimates human exposure to harmful chemicals, pesticides, and hazardous substances, promotes “risky” technologies, exploits the vulnerability of economically and politically disenfranchised communities, subsidizes ecological destruction, creates an industry around risk assessment and risk management, delays cleanup actions, and fails to develop pollution prevention as the overarching and dominant strategy.⁵

⁴ Lavelle, M. & Coyle, M., 1992, “Unequal protection: The racial divide in environmental law,” *National Law Journal*, 15(3), pp. 1-43.

⁵ Bullard, R. D., 1996, “Environmental justice: A new framework for action,” *Environmental Law News*, p. 4.

We find the argument that risks can be reasonably or equitably managed and distributed to be fundamentally flawed. Risk management misleadingly uses the veil of “science” to mask value judgments about “acceptable risk.” Every dollar spent on risk assessment should be matched to fund efforts at risk avoidance. Rather than “manage” risk, we should strive to prevent it.

DPR would better serve its mission of protecting public health by adopting the Precautionary Principle.⁶ As defined at the 1998 Wingspread Conference, the Precautionary Principle holds, “When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.” The incorporation of the Precautionary Principle into DPR decisions would mean that the agency would take action in response to uncertainty, place the burden of proof on those who use pesticides, creatively explore and identify alternatives, and adopt more democratic decision-making processes.

Instead of asking what level of harm is acceptable, a precautionary approach asks: How much contamination can be avoided? What are the alternatives to this product or activity, and are they safer? Is this activity even necessary?

The Precautionary Principle is not anti-science. Precaution is more thorough than risk assessment because it exposes uncertainty and admits the limitations of science. This is a “sounder” kind of science. Precaution does not call for less science, but more, to better understand how human activities affect our health and environment.

Risk assessment does not have to be abandoned altogether. It can play a role in implementing the Precautionary Principle. Instead of using risk assessment to establish “acceptable” levels of exposure, levels that are fundamentally unknowable, it can be used to better understand the hazards of an activity and to compare options for risk prevention. It can also be used, in conjunction with democratic decision-making methods, to prioritize activities such as where to focus pesticide exposure reduction efforts in times of limited resources. The underlying basis of DPR’s policies and decision-making must be precaution and prevention, rather than risk.

Next Steps

While the proposed Environmental Justice Implementation Plan provides a good outline for needed work, we think that DPR should initially focus its next three steps to ensure timely and ongoing progress toward achieving its environmental justice goals. First, DPR must act quickly to finalize its Environmental Justice Implementation Plan. We believe that this can be done prior to August 1, 2003. Second, we recommend that DPR immediately begin working with environmental justice advocates to develop and adopt a work plan by April 1, 2004, that will establish achievable, measurable, and time-bound environmental justice goals and activities. Third and finally, we ask that DPR immediately begin working with impacted populations on the

⁶ The Science and Environmental Health Network (www.sehn.org) has been a forceful and effective proponent of the Precautionary Principle. We encourage DPR to read Tichner, J., C. Raffensperger, & N. Myers, 1998, *The Precautionary Principle in Action: A Handbook*. Washington, DC: Science and Environmental Health Network, available at www.sehn.org/rtfdocs/handbook-rtf.rtf.

development of its emergency response procedures document. This policymaking process can serve as an initial real world attempt to fulfill the public outreach and participation commitments identified in the Environmental Justice Implementation Plan.

Conclusion

We are hopeful that the DPR's emerging environmental justice program will help those who suffer from exposures to pesticides in California. We are encouraged by the first steps DPR has taken in producing its draft Environmental Justice Implementation Plan. We believe that DPR can improve its decision-making processes by working more closely with impacted populations. This will facilitate a dialogue that will build trust, reduce acrimony, increase understanding, and address our environmental justice concerns. Thank you for considering our comments.

Environmental Justice Implementation Plan for the California Department ~~Of~~ of Pesticide Regulation

**DRAFT
(March 2003)**

Environmental Justice Definition: California law defines environmental justice as “[~~t~~**f**]he fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Government Code Section 65040.12)

BACKGROUND

California Environmental Protection Agency Mandates

California law mandates broad responsibilities for California Environmental Protection Agency (Cal/EPA) and its boards, departments, and offices (BDOs) to incorporate environmental justice goals into their policies and programs. The law requires the formation of an interagency working group made up of the Cal/EPA Secretary, BDO chiefs, and the director of the State Office of Planning and Research (OPR). It also mandates formation of an external advisory group to the working group. These groups are to assist Cal/EPA in developing an agencywide environmental justice strategy and to provide procedural recommendations to ensure meaningful public participation in Cal/EPA activities.

Cal/EPA is specifically required by statute to do the following:

1. Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations of the state.
2. Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations in the state.
3. Ensure greater public participation in the Agency's development, adoption, and implementation of environmental regulations and policies.
4. Improve research and data collection for programs within the agency relating to the health and environment of people of all races, cultures, and income levels, including minority and low-income populations of the state.
5. Coordinate efforts and share information with the U.S. Environmental Protection Agency.
6. Identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the Agency.

7. Consult with, and review any information received from, the working group on environmental justice established to assist Cal/EPA in developing an agency-wide strategy that meets the above requirements.

Development of the Cal/EPA Environmental Justice Strategy must include the following activities, as required by Public Resources Code section 71113:

1. Examine existing data and studies on environmental justice and consult with state, federal, and local agencies, and affected communities.
2. Identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.
3. Develop procedures for the coordination and implementation of intra-agency environmental justice strategies.
4. Collect, maintain, analyze, and coordinate information relating to environmental justice.
5. Develop procedures to ensure that public documents, notices, and public hearings relating to human health or the environment are concise, understandable, and readily accessible to the public. Develop guidance for determining when it is appropriate for Cal/EPA or its BDOs to translate crucial public documents, notices, and hearings relating to human health or the environment for limited English-speaking populations.
6. Make a draft available to the public and hold public meetings to receive and respond to public comment before finalizing the strategy.

DPR Implementation

This is an implementation plan for incorporating environmental justice principles into Department of Pesticide Regulation (DPR) programs, policies, and activities. ~~DPR's environmental justice policy follows Cal/EPA's Environmental Justice Strategy.~~

We restate that environmental justice is the *fair treatment* and *meaningful involvement participation* of all people regardless of race, culture, and income with respect to the development, implementation, and enforcement of DPR regulations and policies. *Fair treatment* means that no ~~one~~ group of people, ~~including race, culture, or socioeconomic~~, should ~~be exposed to pesticides, or bear a disproportionate share of suffer~~ negative health or environmental consequences resulting from pesticide use, ~~or the execution of DPR programs and policies~~. Fair treatment also means that DPR will undertake targeted efforts to address pesticide exposure and health risk problems in the most heavily impacted areas and among disproportionately impacted populations. *Meaningful involvement participation* means that: (1) potentially affected persons have an appropriate opportunity to participate in decisions that affect their environment and/or health; (2) DPR clearly identifies how the public's contribution participation can influence, and has influenced, DPR's decisions; (3) the concerns of all participants involved will be considered


in the decisionmaking process; ~~and~~ (4) the decisionmakers seek out and facilitate the early and continuous involvement participation of those potentially affected; and (5) outcomes are communicated to those potentially affected.

DPR Environmental Justice Implementation Plan Elements

1. DPR will incorporate environmental justice values and perspectives into all of our programs, policies, actions, and regulations.

Fair treatment of all people is an overarching value guiding how we do ~~business~~operate. We will ensure that environmental justice values and perspectives inform and illuminate our standard operating practices.

Specific Actions

- ~~Encourage~~Require DPR staff and county agricultural commissioner (CAC) staff to attend scheduled environmental justice training programs. By July 2004, all DPR and CAC staff will have attended an environmental justice training program.
- Develop a staff and funding allocation plan by January 1, 2004, to assure the successful execution of DPR's Environmental Justice Implementation Plan.
- Adopt a work plan by April 1, 2004, to establish achievable, measurable, and time-bound goals and activities related to this Implementation Plan. Immediately begin work on the development of this work plan.
-  Maintain staff awareness of the importance of environmental justice by placing a discussion of environmental justice principles and efforts to fulfill our commitment on the agenda of DPR's managers/supervisors staff meetings, ~~on a regular basis~~.
- Recognize the importance of environmental justice priorities and accomplishments by highlighting them in DPR's annual progress reports.
- Improve the ~~use~~functioning of all DPR's advisory committees to solicit recommendations on how DPR can ~~improve~~address environmental justice concerns in its programs ~~in an equitable manner~~. Broaden the membership in all DPR advisory committees to include representation from environmental justice advocacy groups and individuals from low-income communities and communities of color.
- Consider environmental justice when creating or modifying policies, programs, and procedures.
- Work with affected populations to discuss, consider, and develop ways to incorporate precautionary actions and alternatives analyses into DPR's decision-making processes.

- Ensure that hiring and career advancement practices promote a diverse work force- while improving recruitment and retention of multi-lingual and multi-cultural staff, particularly in positions that include investigation and outreach responsibilities.

2. DPR will integrate environmental justice considerations ~~in~~ when developing communications to ensure meaningful public participation and promote community outreach.

DPR ~~wants to enhance~~ will work to increase the participation of the public in state and local decisionmaking processes, and ensure that potentially affected parties are not overlooked and excluded from the process. We recognize that public participation involves two-way communications, with DPR receiving information, comments, and advice, as well as disseminating information on possible approaches, analyses, and decisions. To ensure meaningful participation, DPR will actively solicit input from communities, develop additional information on pesticides, make this information more accessible, and educate communities on the public process used to make state and local decisions. The Department recognizes the validity and importance of community knowledge, and the value of local and grassroots experiences in issues and decisions that affect them. The Department has an obligation to ensure that those affected by decisions have a voice ~~are equal players~~ in the decisionmaking processes. DPR will assure that community input is recorded and included in all DPR decisions. DPR recognizes the limitations on the capacity of some communities to participate in decision-making processes.

Specific Actions

- Seek out and facilitate the early and continuous (i.e., front end) ~~involvement~~ participation of those primarily affected by DPR's decisions, programs, and policies, recognizing that in doing so we have made a commitment to ~~seriously~~ consider seriously the input of the public.
- Prior to April 1, 2004, create and widely distribute a Public Participation Guidebook that provides information about the roles and responsibilities of the governmental agencies involved in pesticides issues, key environmental laws and regulations, public hearing and permitting processes, and how interested people can become involved in DPR decision-making processes.
- Hold meetings in affected communities at times and in places that encourage public participation, such as evenings and weekends, at centrally located and easily accessible meeting rooms, libraries, and schools.
- Ensure that affected people have the opportunity to participate in the development of policies and regulations by improving public notice processes, expanding mailing lists, and identifying opportunities for publicity of public meetings through culturally and linguistically diverse media outlets.
- ~~Identify opportunities to e~~ Enhance accessibility to information, including translating materials and documents, making documents easily accessible in the community (~~either~~ by

physically providing copies at central locations; and ~~or~~ posting them on DPR's Web site); and providing translation services at hearings and workshops as needed. Communicate to participants how and why their advice was or was not utilized.

- Consistent with right-to-know principles, improve access and utility of DPR data, especially pesticide use data. Improve the utility of data by providing ready access to detailed data specific to date and localized area of use.

3. DPR will conduct evaluations of the level and potential impacts of pesticide exposure and reduce or mitigate exposures to pesticides ~~risk assessments in a ways to that~~ consider the potential disproportionate environmental impacts on communities of color and low-income populations.

Human health and environmental research and assessment are cornerstones of informed decisionmaking to ensure a healthy environment. DPR must have a better sense of how to ~~address issues of~~ prevent and eliminate disproportionate impacts of pesticide use on communities. The goal is not to shift risks among populations, but to identify known and potential disproportionately high exposures and adverse effects and identify alternatives ~~that may to~~ prevent exposure or mitigate ~~these adverse~~ impacts.

Specific Actions

- Continue to conduct evaluations of the level and potential adverse effects of pesticide exposure ~~risk assessments~~ taking into account sensitive populations, combined occupational and residential exposures, and other ~~unique~~ exposure scenarios; ~~and Consider cumulative and combined exposure impacts; and the potential implications of data limitations and other uncertainties in assessing these impacts.~~
- Recognize that the impacts within ~~minority populations~~ communities of color, low-income populations, ~~or and Indian-Native American~~ tribes may be different from impacts on the general population due to a community's distinct cultural practices or level of access to basic service. For example, data on different patterns of living, such as subsistence fish, vegetation, or wildlife consumption and the use of well water or surface water in rural communities may be relevant to the analysis. Many farmworkers have limited access to bathing and laundry facilities and extremely limited access to transportation for travel to health clinics or farm headquarters. DPR will incorporate these considerations into the data gathering and decisionmaking processes; for example, conducting studies to assess the potential exposure of Indian plant gatherers and users to forestry herbicides.
- ~~Mitigate Prevent and eliminate high exposures and unacceptable risks for all the identified races, cultures, and incomes.~~ Develop the mitigation measures with the ~~involvement~~ participation of the affected parties. Throughout the process of public participation, DPR will elicit the views of the affected populations on measures to mitigate a disproportionately high pesticide exposures and potential adverse human health or environmental effects on a low-income populations, minority population communities of

color, or Indian-Native American tribes, and consider community views in developing and implementing mitigation-prevention strategies. Where these communities are still exposed to pesticides, develop and implement exposure mitigation strategies in partnership with affected peoples.

4. DPR will conduct its enforcement program and work with CACs to ensure the state-county program protects all races, cultures, and incomes.

DPR will work with the CACs to ensure the state-county enforcement program is accessible and responsive to and protects all races, cultures, and incomes. DPR and the CACs will work vigorously to enhance compliance with pesticide use compliance regulations, acknowledging that this increases protections for all California citizens residents. DPR wants to assure that all complaints are promptly and thoroughly investigated and investigation and enforcement action results are communicated~~feedback is provided~~ to the complainants in a manner they understand~~public on actions taken~~. DPR will also prioritize our enforcement resources to maximize the greatest public good and seek appropriate mitigation and penalties to provide adequate deterrence to future acts of non-compliance.

Specific Actions

- Examine opportunities to improve the pesticide use permitting processes by increasing public access to the process and permitting records ~~and to ensure the~~ protection of all races, cultures, ~~and~~ incomes, and potentially impacted areas.
- Ensure enforcement investigations are conducted in a way to reduce the potential for retaliation against workers or complainants.
- Continue to develop and distribute materials in various languages describing how citizens people can file complaints, including the right to file anonymous complaints and make telephone listings for DPR and CACs easier to find in telephone directories and through directory assistance.
- Make DPR written policies and procedures on filing and investigating complaints easily accessible, including posting on ~~the~~ DPR's Web site.
- Continuously evaluate compliance with pesticide rules and regulations to prioritize enforcement resources.
- Evaluate uniformity of compliance actions to ensure that communities receive equal protection and seek appropriate mitigation and penalties to provide adequate deterrence to future acts of non-compliance.
- Prepare state enforcement priorities to address areas of greatest exposure and risk.

- Improve the state and local response to pesticide incidents, in part by working with CACs to develop effective complaint-resolution processes.
- Continue to improve the accessibility of information regarding enforcement activities and actions.

5. DPR will ~~continue~~ improve efforts to reduce ~~the pesticide risks to~~ exposure among workers and their families.

The occupational setting poses the greatest risk of pesticide exposure and resulting adverse health impacts to workers and their families. Many occupational settings involve workers of low-income and minority populations. Families of workers exposed to pesticides may be disproportionately exposed through residues taken home on clothing and transferred to vehicles or the home environment. DPR will ~~continue to~~ evaluate ~~the risks to~~ cumulative impacts from work, residential, and dietary exposure to multiple pesticides among workers and their families.; DPR will ensure ~~their workers' rights to~~ unimpeded access at the work site to information about pesticides they are exposed to and; the right to file complaints without fear of retaliation.; and DPR will reduce the potential for worker illnesses by implementing regulations that reduce direct exposure during and after pesticide applications (including reducing exposure to pesticide residues and post-application drift that persists for days after applications). DPR will ensure that the level of protection provided to workers is equal to that provided to the general public and workers in other industries.

Specific Actions

- Improve investigation procedures to reduce the potential for retaliation against workers who have reported symptoms of pesticide illness or filed complaints.
- Continue efforts to improve physician reporting of pesticide-related illnesses.
- Work with the Department of Industrial Relations on retaliation complaints and timely transmittal of work illness reports that may involve pesticides.
- Improve ~~the~~ access to pesticide information at the work site; in English for English-proficient workers and in appropriate other languages for non-English speakers ~~especially by limited English-speaking populations.~~
- Periodically assess the implementation, enforcement, and effectiveness of worker safety rules and regulations, revising them as necessary to address identified problems. Promptly eliminate exposures with the potential to cause adverse health effects. Respond in a timely manner to worker concerns.
- Ensure farmworker representatives have substantial input into decisions affecting their constituents.

- Periodically review DPR's registration and evaluation policies and procedures to ensure that worker protections are actively and adequately considered. For example, deciding when to allow continued use of existing stocks of a ~~cancelled-banned~~ pesticide or evaluating the impact on agricultural workers and their families of allowing pesticide use on selected crops while prohibiting such uses on other crops.

6. Distribution of DPR's pollution prevention resources will be accessible to all races, cultures, and incomes.

Grants and other opportunities can result in changes in pest management that reduce the risks from pesticides. This is especially important in communities of color and low-income ~~and minority~~ areas. Pest management in schools can be done in a way that ~~poses the least risk~~ minimizes pesticide use and exposures with priority given to reducing use of and exposures to higher toxicity pesticides.

Specific Actions

- Target grant programs in communities of color and low-income ~~and minority~~ areas, particularly to assist community-based/grassroots organizations ~~that are~~ working on local solutions to local environmental problems.
- Provide funding to assist in increasing the capacity of communities to give meaningful input into regulatory processes and implementing use of safe alternatives to hazardous pesticides.
- Facilitate the adoption of integrated pest management in schools, especially in rural and low-income areas.
- Provide informational materials in English ~~and~~ Spanish, and other relevant languages to the public about pesticide use and disposal and make telephone listings for DPR, CACs and waste disposal facilities easier to find in telephone directories and through directory assistance.